

At I.A.S. Part 60 of the Supreme Court held in and for the County of Rockland, at the County Courthouse, 1 South Main Street, New City, NY 10956, on the 9 day of May, 2018.

PRESENT: HON. THOMAS E. WALSH, II JSC  
JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND  
BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

-against-

PERL KATZ; JOSEPH KATZ; NATIONAL CITY BANK;  
"JOHN DOE #1- #50" and "MARY ROE #1- #50", the last two names being fictitious, it being intended to name all other parties who may have some interest in or lien upon the premises described in the complaint,

Defendants.

**ORDER OF REFERENCE AND  
SUMMARY JUDGMENT**

Index No. 030069/2016

**Mortgaged Premises:**

19 Calvert Drive, Monsey, NY  
10952 a/k/a 2 Crown Road,  
Monsey, NY 10952

S/B/L 49.15-3-30 f/k/a 14-D-11

*Motion # 3 - M6  
DC-N  
Adj: 11/8/18*

Upon the summons, complaint and the notice of pendency of this action, all filed in the Rockland County Clerk's Office on January 8, 2016; and upon reading the Affidavit of Leticia Sanchez, an Officer of Bayview Loan Servicing, LLC, the plaintiff, sworn to January 25, 2018, the affirmation in support of motion for summary judgment of Jason D. Barringer, Esq. dated February 15, 2018, the mandatory Certificate of Merit previously filed, and after due deliberation thereon, it is hereby; *and upon consideration of Defendant's opposition*

*opposed*  
**ORDERED**, that plaintiff's motion for summary judgment is granted in its entirety; and it is further

*affirmative defenses and counterclaims raised in the answer*  
**ORDERED**, that the answer of the defendants, Joseph and Perl Katz, including all affirmative defenses asserted in the answer, is stricken, on the merits and with prejudice, and plaintiff is directed to treat the stricken answer as a notice of appearance; and it is further

**ORDERED**, that plaintiff is granted a default judgment with respect to each non-answering defendant as to the claims stated in the complaint; and it is further

**ORDERED**, that the names "John Doe#1-#50" and "Mary Roe#1-#50" are stricken from the caption; and it is further

**ORDERED**, that the caption of this action is amended to read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND  
BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

Index No. 030069/2016

-against-

PERL KATZ; JOSEPH KATZ; NATIONAL CITY BANK;

Defendants.

; and it is further

**ORDERED**, (i) that this action is hereby referred to Barbara L. Gionta, Esq., with an office at 107 N. Main St., New City, N.Y. 10956, who is hereby appointed Referee to ascertain and compute the total amount due plaintiff for unpaid principal, accrued interest and all mortgage costs and expenses other than attorneys' fees, secured by the note and mortgage set forth in the complaint, and to examine and report as to whether the mortgaged premises can be sold in one parcel; (ii) that the Referee shall not be required to notice a hearing or conduct a hearing; (iii) that the plaintiff may submit to the Referee its proof by affidavit; and (iv) that the Referee report to this Court with all convenient speed; and it is further

**ORDERED**, that by accepting this appointment, the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not

limited to § 36.2 (c) ("Disqualifications from appointment"), and § 36.2 (d) ("Limitations on appointments based upon compensation"); and it is further

*Teal  
JSC* **ORDERED**, that pursuant to CPLR 8003(a) (the statutory fee of \$50.00) (in the discretion of the court a fee of \$ 250.00), shall be paid to the Referee for the computation stage and upon the filing of his/her report; and it is further

**ORDERED**, that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge and; it is further

**ORDERED**, that if required, the Referee may take testimony pursuant to RPAPL 1321.

ENTER

  
HON. THOMAS E. WALSH, II, J.S.C.

and it is further

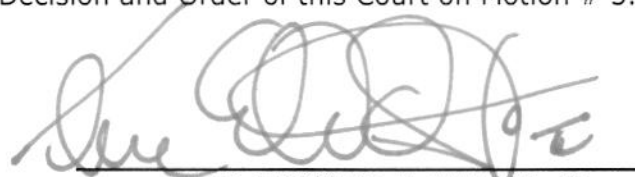
**ORDERED** that Plaintiff's counsel is directed to serve a copy of this Decision and Order and the Order of Reference upon the appointed Referee; and it is further

**ORDERED** that this matter is scheduled for a conference on **THURSDAY NOVEMBER 8, 2018 at 9:30 a.m.**. No appearances are required on that date if an application for a Judgment of Foreclosure and Sale has been e-filed through the NYSCEF system prior to that date. Any application for a Judgment of Foreclosure must contain a copy of the notice provided to defendants of the Referee's computation and/or hearing. If an application for a Judgment of Foreclosure and Sale has not been e-filed through the NYSCEF system prior to that date, and the date has not been adjourned by the Court, then appearances are required and Plaintiff's counsel will be required to provide an explanation for the delay. If the Court is not satisfied with the explanation, the Court will consider dismissing the matter without prejudice; and it is further

**ORDERED** that the Plaintiff is to serve a copy of the Decision and Order in the instant action on all named parties within thirty (30) days of the date hereof.

The foregoing constitutes the Decision and Order of this Court on Motion # 3.

Dated: New City, New York  
May 9, 2018



**HON. THOMAS E. WALSH, II**  
Justice of the Supreme Court

To:

SCHILLER, KNAPP, LEFKOWITZ & HERTZEL, LLP  
Attorney for Plaintiff  
(via e-file)

CHEZKI MENASHE, ESQ.  
LAW OFFICES OF MENASHE & ASSOCIATES, LLP  
Attorney for Defendants PERL and JOSEPH KATZ  
(via e-file)